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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,457	09/29/2003	Toshimitsu Ohara	60014 (71719)	5612

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EDWARDS & ANGELL, LLP
P.O. BOX 55874
BOSTON, MA 02205

EXAMINER

KYLE, MICHAEL J

ART UNIT PAPER NUMBER

3676

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/675,457

Applicant(s)

OHARA ET AL.

Examiner

Michael J Kyle

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 is/are allowed.
- 6) ☒ Claim(s) 11-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/23/04</u> . | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Drawings

1. Figures 13 and 14 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claim 11 is objected because of the phrase "like a tube", in line 3 of the claim. It is unclear if features other than a tube (those encompassed by "like") are included in the claim. Examiner suggests removing this phrase from the claim, as a "tube part" is already positively recited in the claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's Admitted Prior Art ("APA", as shown in figure 14) in view of Sorimachi (U.S. Patent No. 4,424,606). APA discloses an image input/output apparatus comprising a first housing (61 in figure 14, see specification pages 4-5) for a printing unit having a tube part (where 63 extends through 61) extended in a bottom direction from an opening formed in a ceiling of the first housing, a second housing (64) for housing an image read unit, placed on the first housing. A hinge (on 63) swingably joins the first and second housings. The hinge includes a base part (63) fitted in the tube and a rotation body (66) attached to the second housing and rotationally supported on the base part. APA, as shown in figure 14, fails to disclose an urging device as claimed.

5. Sorimachi teaches a device having first and second housings (1, 14, respectively) swingably connected to each other by a hinge (see figure 7). The first housing (1) includes a tube part (11a). The hinge includes a base part (12) fitted in the tube part, and a rotation body (15) attached to the second housing and rotationally supported on the base part. The hinge further includes an urging device (13) that provides a rotation force to the rotation body (15) in a direction bringing the second housing (14) away from the first housing and providing a rotation force to the base part in an opposite direction to the rotation force to the rotation body (column 5, lines 2-8). This arrangement allows an operator to easily open the cover (14) and feel almost no resistance or weight from the cover (column 4, lines 37-39) and prevents the cover from closing abruptly (column 5, lines 2-8). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify APA as taught by Sorimachi in order to provide a cover that is easily lifted by an operator, and prevents the cover from being abruptly shut. The combination

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would result in the hinge arrangement shown by Sorimachi in figures 4 and 5 replacing the hinge arrangement of APA figure 14.

6. With respect to claims 12 and 13, APA as modified by Sorimachi shows the tube part (11a of Sorimachi) to be held or fixed against a bottom of the first housing (1). The tube part has attachment part being fixed to a top face of the first housing (see flange on 11a in figure 7 of Soriamchi).

7. With respect to claims 14 and 15, APA as modified by Sorimachi, shows the rotation body (15) fixed to a ceiling of the second housing (14, see figure 7 of Sorimachi), and is held to the bottom of the second housing (14, near 15b).

Allowable Subject Matter

8. Claims 1-10 are allowed.

Conclusion

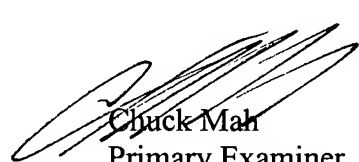
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references are cited to further show the state of the art with respect to hinges that counterbalance the weight of a cover and hinges on imaging machines: Stone , Liu, Hosaka, Habeggar et al, GB 2086979, JP 03171160, and JP 57070526.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Kyle whose telephone number is 571-272-7057. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

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11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mk



Chuck Mah
Primary Examiner
Technology center 3600